UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

SADIE HACKLER, on behalf of herself and all others similarly situated,

Plaintiff,

V.

TOLTECA ENTERPRISES, INC. d/b/a PHOENIX RECOVERY GROUP,

Defendant.

Case No. 5:18-CV-00911-XR

STIPULATION REGARDING STATUTORY DAMAGES

Plaintiff and Class Representative Sadie Hackler, by and through her counsel of record, and Defendant Tolteca Enterprises, Inc., buy and through its counsel of record stipulate that:

 Sadie Hackler is entitled to \$1,000 as her statutory damages in this case, pursuant to 15 U.S.C. §1692K (2) (B)¹.

¹ With emphasis added, 15 USC 1692k states:

⁽a)Amount of damages

Except as otherwise provided by this section, any debt collector who fails to comply with any provision of this subchapter with respect to any person is liable to such person in an amount equal to the sum of—

⁽¹⁾ any actual damage sustained by such person as a result of such failure;

⁽²⁾⁽A) in the case of any action by an individual, such additional damages as the court may allow, but not exceeding \$1,000; or

⁽B) in the case of a class action, (i) such amount for each named plaintiff as could be recovered under subparagraph (A), and (ii) such amount as the court may allow for all other class members, without regard to a minimum individual recovery, not to exceed the lesser of \$500,000 or 1 per centum of the net worth of the debt collector; and

⁽³⁾ in the case of any successful action to enforce the foregoing liability, the costs of the action, together with a reasonable attorney's fee as determined by the court. On a finding by the court that an action under this section was brought in bad faith and for the purpose of harassment, the court may award to the defendant attorney's fees reasonable in relation to the work expended and costs.

The certified class is entitled to its statutory damages of \$3,600, pursuant to 15 U.S.C. §1692K (2) (B).²

Agreed, and respectfully submitted,

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² The parties previously stipulated that 1% of Defendant's net worth is \$3,600. ECF # 57.